

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LUCIANO TONELLI,

Plaintiff,

v.

SGT. AUTRY, *et al.*,

Defendants.

CASE NO. C06-698-TSZ-JPD

ORDER DENYING PLAINTIFF'S  
SECOND MOTION FOR  
RECONSIDERATION

Plaintiff is a Washington state prisoner proceeding *pro se* and *in forma pauperis* in this action brought pursuant to 42 U.S.C. § 1983. The court denied plaintiff's motion for appointment of counsel on June 5, 2006. (Doc. #5). On June 14, 2006, plaintiff filed a second motion for appointment of counsel (Doc. #10), which the court construed as a motion for reconsideration of the Order denying plaintiff's initial motion for appointment of counsel. So construed, the court denied the motion on June 29, 2006. (Doc. #12). On July 12, 2006, plaintiff filed a second motion for reconsideration. (Doc. #14). Having reviewed plaintiff's second motion for reconsideration, and the balance of the record, the court does hereby find and ORDER as follows:


(1) Petitioner's second motion for reconsideration (Doc. #14) is DENIED. Petitioner has failed to show any manifest error in the prior ruling or present any new facts or legal authority that warrant reconsidering the motion for appointment of counsel. *See* Local Rule CR 7(h). As before, plaintiff has neither demonstrated a likelihood of success on the merits nor shown that, in light of the complexity of the legal issues involved, he is unable to articulate his claims himself. Accordingly,

1 plaintiff has not demonstrated that this case involves exceptional circumstances that warrant  
2 appointment of counsel. *See Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986).

3 (2) Plaintiff is advised that no further motions shall be considered regarding appointment  
4 of counsel. They will not be docketed nor reviewed by the court and the Clerk shall return any such  
5 motions to plaintiff.

6 (3) The Clerk is directed to send copies of this Order to plaintiff and to the Honorable  
7 Thomas S. Zilly.

8 DATED this 17th day of July, 2006.

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10 JAMES P. DONOHUE  
11 United States Magistrate Judge  
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